

LAW OFFICES

SMITHWICK & BELENDIUK, P.C.

1990 M STREET, N.W.
SUITE 510
WASHINGTON, D.C. 20036
TELEPHONE (202) 785-2800
FACSIMILE (202) 785-2804
WWW.FCCWORLD.COM

DOCKET FILE COPY ORIGINAL

GARY S. SMITHWICK
ARTHUR V. BELENDIUK

COUNSEL

WILLIAM M. BARNARD
HENRY E. CRAWFORD
JAMES K. EDMUNDSON

January 10, 2000

BY HAND DELIVERY

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED
JAN 10 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re:

In the Matter of
Amendment of Section 73.202(b)
Table of Allotments FM Broadcast
Stations (Giddings, Madison and
College Station, Texas)
MM Docket No. 99-331; RM-9728

Dear Ms. Salas:

Transmitted herewith on behalf of Giddings Community Broadcasting Company are an original and four (4) copies of its "Comments and Counterproposal" as directed to the Chief, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford
Counsel for
Giddings Community
Broadcasting Company

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Giddings, Madison and College
Station, Texas)

MM Docket No. 99-331

RM-9728

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

Giddings Community Broadcasting Company ("GCB"), by counsel,
pursuant to 47 CFR §1.415, respectfully submits its *Comments and
Counterproposal* in response to the Notice of Proposed Rule Making, DA 99-
2564, released on November 19, 1999 ("NPRM"), by the Chief, Allocations
Branch. In support thereof, the following is stated:

I. INTRODUCTION

1. On June 25, 1999, a Petition for Rulemaking was filed by Sunburst
Media, LP ("Sunburst") seeking to move the facilities of KAGG(FM) from
Madisonville, Texas to College Station, Texas, by deleting Channel 241A at
Madisonville and allocating Channel 241C2 to College Station.

2. On November 19, 1999, the Commission released the NPRM
proposing to adopt the Sunburst plan as presented to the Commission, and

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setting January 10, 2000, as the date for filing comments, and January 25, 2000, as the date for the filing of reply comments.

II. THE COUNTERPROPOSAL

3. GCB counter-proposes the allotment of Channel 260A to the community of Giddings, Texas as follows:

City	Present	Proposed
Giddings	--	260A

4. Giddings is a city located in Lee County, Texas. According to the 1990 Census, Giddings has a population of 4,093 persons. The community of Giddings was traditionally served by KROX(FM). However, with the release of Giddings and Buda, Texas, 14 FCC Rcd 9508 (1999), KROX(FM) was moved to Buda Texas, leaving Giddings without a local commercial FM service.

5. As indicated in the attached FM Channel Study (attached hereto as Exhibit 1), Channel 240A can be assigned to Giddings in complete compliance with the Commission's distance separation requirements as contained in 47 CFR §73.207. The instant counterproposal is in complete compliance with the Commission's rules. See 47 CFR §73.1675.

6. The reference coordinates contained in this counterproposal: 30-15-33 N 97-01-33 W will encompass the entire city of Giddings, Texas. Moreover, there is a wide area available for placing an appropriate transmitter.

III. THE GCB COUNTERPROPOSAL IS SUPERIOR TO THE SUNBURST PROPOSAL

7. Adoption of the GCB counterproposal would result in a preferential arrangement of allotments consistent with the criteria set out in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992) ("FM Assignment Policies"):

- (1) First full-time aural service;
 - (2) Second full-time aural service;
 - (3) First local service; and
 - (4) Other public interest matters.
- [Co-equal weight given to priorities (2) & (3)].

8. In the present case, neither the Sunburst proposal nor the GCB counterproposal would trigger priorities (1)-(3). College Station is served by a number of commercial and noncommercial FM services, while the Community of Giddings is served by a single noncommercial FM station KANJ(FM). Therefore, only priority number four (4) applies to this case. However, the allocation of Channel 240A to Giddings would represent a first commercial FM service, whereas the Sunburst proposal would bring a third commercial service to College Station. Therefore, considering the public interest, as the Commission is required to do under priority four (4), the GCB proposal is superior to that initiated by Sunburst in its Petition.

IV. EXPRESSION OF INTENT TO CONSTRUCT THE GIDDINGS FACILITY

9. If the Commission assigns Channel 240A to Giddings, Texas, GCB will apply for a construction permit and will construct a new facility upon award of that permit.

V. CONCLUSION

10. In conclusion, for the reasons stated above, GCB submits that allotting Channel 260A to the community of Giddings will result in the preferred arrangement of allotments.

WHEREFORE, Giddings Community Broadcasting Company respectfully requests Channel 260A be allotted to the community of Giddings, Texas.

January 10, 2000

Smithwick & Belendiuk, P.C.

1990 M Street, N.W.

Suite 510

Washington, D.C. 20036-4192

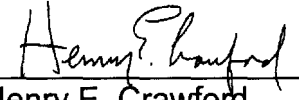
(202) 785-2800

E-Mail: hc@HenryCrawfordLaw.com

Web: <http://www.HenryCrawfordLaw.com>

Respectfully Submitted,

Giddings Community
Broadcasting Company

By: 
Henry E. Crawford
Its Attorney

Giddings Community Broadcasting Company
Comments and Counterproposal
January 10, 2000

EXHIBIT 1

**FM Channel Study
FM Channel 240A
N30-15-33
W97-01-33**

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
ALC	Austin	TX	238	C1	U	74.8	75.0	275.4°	-0.2
KKMJFM	Austin	TX	238	C1	L	74.8	75.0	275.4°	-0.2
KKMJFM	Austin	TX	238	C1	C	74.8	75.0	275.4°	-0.2
KKMJFM	Austin	TX	238	C1	L	74.8	75.0	275.4°	-0.2
ALC	Houston	TX	239	C	U	164.8	165.0	117.4°	-0.2
KCKR	Waco	TX	239	C2	L	140.1	106.0	353.4°	34.1
KIKKFM	Houston	TX	239	C	L	159.3	165.0	110.8°	-5.7 ¹
KIKKFM	Houston	TX	239	C	L	164.8	165.0	117.4°	-0.2
KIKKFM	Houston	TX	239	C	L	164.8	165.0	117.4°	-0.2
ALC	Burnet	TX	240	A	A	138.2	115.0	298.4°	23.2
ALC	Goliad	TX	240	C3	U	177.8	142.0	195.4°	35.8
KHMC	Goliad	TX	240	C3	C	177.0	142.0	189.1°	35.0
ALC	San Antonio	TX	241	C1	U	169.7	133.0	245.9°	36.7
ALC	Madisonville	TX	241	C2	U	116.9	106.0	50.7°	10.9
FA USE	College Station	TX	241	C2	A	80.9	106.0	47.0°	-25.1
KAGG	Madisonville	TX	241	C2	L	105.9	106.0	55.5°	-0.0
KXXM	San Antonio	TX	241	C1	L	169.7	133.0	245.9°	36.7

Reference site for FM Channel 240A is 12.1 km northwest of Giddings, (N30-10-57, W96-56-10), and a transmitter operating from this site will fully illuminate the entire city of Giddings, Texas, with a 70b dbu contour.

¹ Auxiliary Site, Mileage separation table does not apply

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing
Comments and Counterproposal have been served by United States mail,
postage prepaid this 10th day of January, 2000 upon the following:

*Kathleen Scheuerle
Allocations Branch, Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, SW
Washington D.C. 20554

Gregg Skall, Esq.
Pepper & Corazzini, L.L.P.
1776 K Street, N.W., Suite 200
Washington D.C. 20006
(Counsel for Sunburst Media, LP)

*Hand Delivered



Henry E. Crawford